



Entered on Docket
September 23, 2011

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR
Chapter 11

**Order Sustaining Fourth Omnibus
Objection Of USACM Trust To Proofs
Of Claim Based In Whole Or In Part Upon
Investment In The Del Valle Livingston
Loan**

Hearing Date: August 30, 2011
Hearing Time: 10:30 a.m.

The Court having considered the "Fourth Omnibus Objection Of USACM Trust To Proofs Of Claim Based In Whole or In Part Upon Investment in The Del Valle Livingston Loan," ("Del Valle Livingston Loan") [DE 8536] (the "Objection"); the Court having heard the Objection on August 30, 2011; appropriate notice of the Objection having been given; no response to the Objection having been filed; the Court noting on the record that the

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2 disallowance of the Claims listed on **Exhibit A** does not affect the direct lenders' right to
3 repayment by the borrower or from the collateral securing the Del Valle Livingston Loan;
4 and good cause appearing:

5 **IT IS ORDERED** that:

- 6 1. The Objection [DE 8536] is sustained; and
7 2. The claims listed on **Exhibit A** attached are disallowed in full to the extent
8 those claims are based upon an investment in the Del Valle Livingston Loan.
9

10 PREPARED AND RESPECTFULLY SUBMITTED BY:

11 **LEWIS AND ROCA LLP**
12

13 By /s/ John Hinderaker (AZ #018024)

14 Robert M. Charles, Jr.

15 John Hinderaker (*pro hac vice*)

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LOCAL RULE 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

_____ This Court has waived the requirement set forth in LR 9021(b)(1).

XXX No party appeared at the hearing or filed an objection to the motion.

_____ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

Counsel appearing: _____

_____ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order

U.S. Trustee: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

Submitted by:
LEWIS AND ROCA LLP

By: /s/ John Hinderaker. (AZ #018024)
Attorneys for USACM Liquidating Trust

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USACUM TRUST
Del Valle - Livingston Loan
Multiple Loan Claims

Claim	Date Claim was Filed	Name	Address	Total Claim Amount Relating to the Del Valle - Livingston Loan	Approximate Amount Subject to Objection Because it Relates to an Investment In the Del Valle - Livingston Loan
10725-02289	1/12/2007	2001 Michael T Mcgrath Revoc Tr Dtd 12/11/01	Michael T Mcgrath Tee 66 Schanda Dr Newmarket, NH 03857-2151	537,321.46	75,000.00
10725-00209	8/28/2006	ACS Properties	Peter Merrifield 4417 48Th Ave S St Petersburg, FL 33701	406,019.44	101,433.33
10725-00810	11/13/2006	Adams, Ellen B	2876 Forest Grove Dr. Henderson, NV 89052-6816	Unknown	Unknown
10725-01623	12/8/2006	Addes Ira, Kenneth	100 W Broadway Apt 7V Long Beach, NY 11561	380,878.66	50,000.00
10725-02366	1/16/2007	Al-Awar Living Trust Dtd 4/05/01	Adib M & Ellen A Al-Awar Ttees 1330 Burro Ct Gardnerville, NV 89410	3,615,913.62	200,000.00
10725-02130	1/11/2007	Arbogast, Suzanne L	1005 W Buffinglon St Upland, CA 91784	459,589.58	75,000.00
10725-02228	1/12/2007	Barzan Family Trust Dtd 5/23/90	John C & Rosemarie A Barzan Ttees 1409 Morada Dr Modesto, CA 95350-0655	253,643.04	75,000.00
10725-02227	1/12/2007	Barzan, Richard D & Lelia J	7231 Langworth Rd Oakdale, CA 95361	1,325,629.78	50,000.00
10725-01360	11/13/2006	Berry, William Chad	5725 Daybreak Dr Apt D Mira Loma, CA 91752-5687	200,000.00	50,000.00
10725-01401	11/13/2006	Cardwell Family Trust	C/O Michael J Dawson Esq 515 South Third St Las Vegas, NV 89101	3,226,795.82	300,000.00

EXHIBIT A